

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Young-kook KIM

Application No. 10/822,847 Group Art Unit: 2178
Filed: April 13, 2004 Examiner Phenuel S. Salomon
Customer No.: 38209 Confirmation No. 3206

For: METHOD OF INDICATING FUNCTIONS OF BUTTONS, AN IMAGE DISPLAY APPARATUS, AND AN ON-SCREEN-DISPLAY MENU PROCESSING METHOD

PRE-APPEAL BRIEF CONFERENCE AND REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
Alexandria, VA 22313

Sir:

A Notice of Appeal is filed concurrently herewith in connection with the above-identified patent Application. Applicant's attorney respectfully requests a Pre-Appeal Brief Conference and Request for Review for at least the reasons discussed below.

Applicant respectfully submits that in the Final Office Action mailed February 3, 2009, the Examiner has failed to make a prima facie case under 35 U.S.C. §103(a) for the pending claims of the above-identified patent application, for at least the reasons discussed below.

Independent claim 1 was rejected in the Final Office Action under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 9,757,034 to Yu (hereinafter, "Yu") in view of U.S. Patent No. 5,973,664 to Badger (hereinafter, "Badger") and further in view of "NEC LCD Series MultiSync User's Manual" of August 22, 1999 (hereinafter, "NEC"). Applicant submits that Yu, Badger, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "detecting a pivot angle of the image display apparatus, and displaying the image rotated according

to the pivot angle at a position close to the buttons," and the Examiner has failed to make a prima facie case for at least the reasons discussed on pages 14-15 in Applicant's Response to After Final Rejection filed on March 23, 2009. Applicant submits that NEC, as relied upon by the Examiner, merely describes toggling a menu display between "portrait" and "landscape" modes, which is distinctly different from displaying a menu in a position that is "rotated" according to a detected "pivot angle" at a "position close to the buttons."

In the Final Office Action Mailed February 3, 2009, independent claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,346,972 to Kim (hereinafter, "Kim") in view of Bald and further in view of NEC. Applicant submits that Kim, Bald, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "the image display unit has zones to display an image indicating functions assigned to the buttons, and the controller generates image information to be displayed in the zones and supplies the image information to the graphics processing unit" and "that the graphics processing unit displays the image in the zones rotated according to the pivot angle at a position close to the buttons," and the Examiner has failed to make a prima facie case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 16-17 in Applicant's Response to After Final Rejection filed on March 23, 2009. Applicant submits that Bald merely describes a display screen for displaying menus and submenus, and does not teach or suggest displaying "image information" in "zones" of a display screen as recited in claim 7.

Independent claims 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Kim and further in view of NEC. Applicant respectfully submits that Bald, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "an image display unit including zones to display an image indicating functions assigned to the buttons" and where the "image display unit displays the image in the zones rotated according to the pivot angle at a position close to the buttons," and the Examiner has not made a prima facie case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 18-20 in Applicant's Response to After Final Rejection filed on March 23, 2009. Applicant respectfully submits that in addition to the deficiencies of Bald and NEC described above, Kim merely describes outputting storing position and data selection control

signals in response to pivot control signals, and does not teach or suggest displaying an image in "zones" that is "rotated according to the pivot angle" at a "position close to the buttons" as recited in claim 19.

In the Final Office Action Mailed February 3, 2009, independent claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Yu. Applicant submits that Bald and Yu, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "generating sub-functions of at least one of the first and second buttons according to the generated first and second function," and the Examiner has failed to make a *prima facie* case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 21-22 in Applicant's Response to After Final Rejection filed on March 23, 2009. Applicant submits that Yu describes volume adjustment by selection of a function button, and does not teach or suggest generating a "sub-function" according to a "generated first and second function" as recited in claim 27.

Independent claim 35 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Yu in view of Kim and further in view of NEC. Applicant submits that Bald, Yu, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, that "the image display unit displays the image rotated according to the pivot angle at a position close to the at least one button," and the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) for this claim for at least the reasons discussed on pages 23-24 in Applicant's Response to After Final Rejection filed on March 23, 2009, as well as for the deficiencies of NEC discussed above.

In the Final Office Action Mailed February 3, 2009, independent claim 37 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Pivot Pro in view of Kim and further in view of NEC. Applicant submits that Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or disclose, among other things, "a detector unit to detect whether the device is in a portrait mode or in a landscape mode" and "at least one symbol is displayed which is respectively assigned to the at least one input unit, and wherein the orientation of the at least one symbol is changed in accordance with the result of the detector unit, and the at least one symbol, whose orientation is changed, is displayed at a position close to the at least one

input unit," and that the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 25-26 in Applicant's Response to After Final Rejection filed on March 23, 2009. Applicant submits that Pivot Pro merely describes rotating a computer display from a portrait to a landscape position, and does not teach or suggest a "detector unit" to detect a "mode" as recited in claim 37.

With regard to independent claim 48, Applicant submits that Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "detecting a rotated state of the display device" and "changing an orientation of the at least one symbol" includes "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit," and the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) as discussed on pages 27-28 in Applicant's Response to After Final Rejection filed on March 23, 2009. Applicant submits that Pivot Pro merely describes rotating a computer display from a portrait to a landscape position, and does not teach or disclose "detecting" a "rotation state" of a "display device," or that "changing the orientation" of at least one "symbol" includes "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit" as recited in claim 48.

With regard to independent claim 63, Applicant submits that Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "changing an orientation of the at least one symbol in accordance with a detection of a viewing state of the screen, in which the viewing state relates to a rotated state of the screen," and "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit," and the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) as discussed on pages 29-30. Applicant submits that Pivot Pro merely describes rotating a computer display from a portrait to a landscape position, and does not teach or suggest a "detection" of a "viewing state" as recited in claim 63. Applicant respectfully submits that NEC merely describes toggling between modes, and does not teach or suggest that an "orientation" of a displayed "symbol" is "changed" at a "position close to" the input unit.

In the Final Office Action Mailed February 3, 2009, independent claim 64 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Bald in view

of Pivot Pro and further in view of NEC. Applicant submits that Yu, Bald, Pivot Pro, and NEC, whether taken alone or in combination with one another, do not teach or suggest, among other things, "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit," and the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) as discussed on pages 30-31. Applicant submits that NEC describes toggling the orientation of a menu between two different modes, and does not teach or suggest that the orientation of a symbol is changed at a position close to an input unit as recited in claim 64.

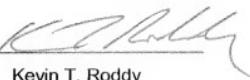
With regard to dependent claims 2-4, 9, 20-24, 28-34, 36, 38-47, 49-62, 65-68, 71-78, 81, and 82, it is submitted that a *prima facie* case under 35 U.S.C. §103(a) has not been made for these claims as discussed on pages 15-17, 20, 22, 24, 27, 28, and 31 of Applicant's Response to After Final Rejection filed on March 23, 2009.

Consideration of the above in connection with the Pre-Appeal Brief Request for Review is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,
STANZIONE & KIM, LLP

Date: May 4, 2009

By: 

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